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60.000 GRIEVANCE AND APPEALS

60.100 Purpose

This chapter presents the CRS Program's claim dispute, grievance, appeals, and Administrative Hearing processes. This policy does not apply to actions or decisions that reduce a member's CRS benefits as a result of changes in state or federal law.

60.200 General Standards

1. CRS Regional Contractors shall maintain internal policies and procedures for a grievance, appeals and claim dispute resolution process that meet ADHS standards.
2. At the time of enrollment to the CRS Program, upon request or when changes occur in the policy, a CRS Regional Contractor shall give to a member, member representative, or subcontractor written information regarding the CRS Program claim dispute resolution, grievance, and appeals process.
 - A. The grievance/appeal policy shall be reviewed with the member and/or their representative at the time of eligibility contact, upon request, or when changes occur in the policy.
 - B. Providers shall be given a copy of the member grievance/appeal policy and claim dispute policy at the time of contract, upon request, or when changes occur in the policy.
3. All records obtained for the CRS Program claims dispute, grievance, and appeals processes are filed in a secure, designated area, and are retained in reproducible format for a minimum of six years.
4. ADHS/CRS and the CRS Regional Contractors will consider the grievance, appeal, claim dispute, or Administrative Hearing request filed on the date it is received by the CRS Regional Contractor.
5. A CRS Regional Contractor shall provide reasonable assistance to members in completing forms and taking other procedural steps. Reasonable assistance includes, but is not limited to, providing interpreter services and toll-free

numbers that have adequate TTY/TTD (teletypewriter/telecommunications device for the deaf, and text telephone) and interpreter capability.

6. The CRS Regional Contractor will forward Title XIX and Title XXI member requests for State Administrative Hearings to AHCCCSA within 5 calendar days of receipt.
7. The CRS Regional contractor will forward all non-Title XIX and Title XXI member requests for State Administrative Hearings to ADHS/CRS within 5 calendar days of receipt.

60.201

Definitions

1. "Action" by a CRS Regional Contractor means:
 - A. The denial or limited authorization of a requested service, including the type or level of service;
 - B. The reduction, suspension, or termination of a previously authorized service;
 - C. The denial, in whole or in part, of payment for a service;
 - D. The failure to provide a service in a timely manner as set forth in contract;
or
 - E. The failure of a contractor to act within the time frame specified in this Policy.
2. "Adverse action" means:
 - A. Denial of eligibility,
 - B. Discontinuance of eligibility, or
 - C. An eligibility determination that the applicant claims is beyond the established time frame.
3. "Appeal" means a request for review of an action.
4. "Claim dispute" means a dispute involving a payment of a claim, partial payment of a claim, or denial of a claim, imposition of a sanction or reinsurance.
5. "Day" means calendar day unless otherwise specified.

6. "Filed" means the date that the CRS Regional Contractor receives a grievance, appeal, claim dispute or a request for a State Administrative Hearing as established by a date stamp on the request or other record of receipt.
7. "Grievance" means an expression of dissatisfaction about any matter other than an action. Possible subjects for grievances include, but are not limited to, the quality of care or services provided, and aspects of interpersonal relationships such as rudeness of a provider or employee or failure to respect the member's rights.
8. "State Administrative Hearing" means an administrative hearing under A.R.S. Title 41, Chapter 6, Article 10.
9. "Request for Review" means a request by an AHCCCS Health Plan/Program Contractor's Medical Director asking the CRS Regional Contractor Medical Director to review a service denial or a reduction, suspension, or termination of a previously authorized service for a Title XIX or Title XXI member.
10. "Working day" means a Monday, Tuesday, Wednesday, Thursday, or Friday unless:
 - A. A legal holiday falls on Monday, Tuesday, Wednesday, Thursday, or Friday; or
 - B. A legal holiday falls on Saturday or Sunday and a contractor is closed for business the prior Friday or following Monday.

60.202

Computation of Time

1. Computation of time in calendar days begins the day after the act, event, or decision and includes all calendar days and the final day of the period. If the final day of the period is a weekend or legal holiday, the period is extended until the end of the next day that is not a weekend or a legal holiday.
2. Computation of time in working days begins the day after the act, event or decision and includes all working days.

60.300 Applicant/Member Eligibility Hearing Process

60.301 Applicant/Member Rights

1. The CRS Regional Contractor shall allow an applicant or member the right to:
 - A. A State Administrative Hearing; and
 - B. Copies, at the applicant's or member's expense, of any relevant document not protected from disclosure by law.

60.302 Who May File

1. An applicant or member may request a State Administrative Hearing in response to an adverse action taken by a CRS Regional Contractor.
2. An authorized representative, including a provider, acting on behalf of the member, with the member's written consent, may file an appeal or request a State Administrative Hearing on behalf of a member.

60.303 Time Frame For Requesting a Hearing

1. An applicant, member, or authorized representative shall submit a written request for a State Administrative Hearing to ADHS/CRS within 30 days of receiving the Notice of Action. The request shall contain the applicant's or member's name, the adverse action taken by a CRS Regional Contractor, and the reason for the State Administrative Hearing request.

60.304 Notice of Hearing

1. AHCCCS or ADHS/CRS shall mail a Notice of Hearing under A.R.S. § 41-1092.05 if the request for a State Administrative Hearing is timely and contains the information listed above.

60.305 Notice of Hearing Decision

1. AHCCCS or ADHS/CRS shall mail a Decision to the applicant, member, or authorized representative no later than 30 days after the date of the Administrative Law Judge's recommended decision and within 90 days after the date that the applicant/member filed the request for a State Administrative

Hearing not including days for continuances granted at the applicant's or member's request.

60.306 Denial of a Request for a State Administrative Hearing

1. AHCCCS or ADHS/CRS shall deny a request for a State Administrative Hearing upon written determination if:
 - A. The request for a State Administrative Hearing is untimely;
 - B. The request for a State Administrative Hearing is not for an adverse action permitted under this policy;
 - C. The request for a State Administrative Hearing is moot based on the factual circumstances of the case; or
 - D. The sole issue presented is a federal or state law requiring an automatic change adversely affecting some or all applicants or members.

60.307 Withdrawal of a Request for a State Administrative Hearing

1. AHCCCS or ADHS/CRS shall accept a written request for withdrawal from the applicant, member, or authorized representative if a Notice of Hearing has not been mailed.
2. If AHCCCS or ADHS/CRS has mailed a Notice of Hearing, AHCCCS or ADHS/CRS shall forward the written request for withdrawal to the Office of Administrative Hearings (OAH).

60.308 Motion for Rehearing or Review

1. Under A.R.S. § 41-1092.09, ADHS (for non-Title XIX and non-Title XXI members) or AHCCCS (for Title XIX and Title XXI members) shall grant a rehearing or review for any of the following reasons materially affecting an applicant's or member's rights:
 - A. Irregularity in the proceedings of a State Administrative Hearing that deprived a petitioner of a fair hearing;
 - B. Misconduct of ADHS, AHCCCS, OAH, or a party;

- C. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
- D. The decision is the result of passion or prejudice;
- E. The decision is not justified by the evidence or is contrary to law; or
- F. Good cause is established for the nonappearance of a party at the hearing.

60.400 Appeal, Grievance, And Hearing For A CRS Member

60.401 Who May File

1. A Member shall file a grievance, an appeal, or request a State Administrative Hearing according this Policy.
2. An authorized representative, including a provider, acting on behalf of the member, with the member's written consent, may file an appeal or request a State Administrative Hearing on behalf of a member.

60.402 General Requirements for Grievance or Appeal Process

1. A CRS Regional Contractor shall provide reasonable assistance to members in completing forms and taking other procedural steps. Reasonable assistance includes, but is not limited to, providing interpreter services and toll-free numbers that have adequate TTY/TTD (teletypewriter/telecommunications device for the deaf, and text telephone) and interpreter capability.
2. The CRS Regional Contractor shall acknowledge receipt of each grievance orally or in writing no later than 5 days after receipt. The CRS Regional Contractor shall acknowledge receipt of each appeal in writing no later than 5 days after receipt.
3. The CRS Regional Contractor shall ensure that the individual who makes a decision on a grievance or an appeal was not involved in any previous level of review or decision-making.
4. The CRS Regional Contractor shall ensure that a health care professional who makes decisions on any of the following appeals or grievances has the appropriate clinical expertise in treating the member's condition or disease:
 - A. An appeal of a denial that is based on lack of medical necessity,

- B. A grievance regarding denial of expedited resolution of an appeal, or
- C. A grievance or appeal that involves clinical issues.

60.403 Member Time Frame for Filing an Appeal or Grievance with ADHS/CRS

1. A member shall file an appeal either orally or in writing with the CRS Regional Contractor within 60 days after the date of the Notice of Action.
2. A member may file a grievance either orally or in writing with the CRS Regional Contractor at any time.

60.404 Time Frame for Standard Disposition of a Grievance

1. The CRS Regional Contractor shall complete disposition and provide oral or written notice to the member of the CRS Regional Contractor decision within 90 days after the day the CRS Regional Contractor receives the grievance.

60.405 Time Frame for Standard Resolution of an Appeal

1. For standard resolution of an appeal, the CRS Regional Contractor shall resolve the appeal and mail the written Notice of Appeal Resolution to the member within 30 calendar days after the day the CRS Regional Contractor receives the appeal.
2. If the member requests an extension of the 30-day time frame in subsection (1), the CRS Regional Contractor shall extend the time frame up to an additional 14 days.
3. If the CRS Regional Contractor needs additional information and the extension is in the best interest of the member, the CRS Regional Contractor shall extend the time frame in subsection (1) up to an additional 14 days. If the CRS Regional Contractor extends the time frame, the CRS Regional Contractor shall:
 - A. Give the member written notice of the reason for the decision to extend the time-frame, and
 - B. Issue and carry out the resolution as expeditiously as the member's health condition requires but no later than the date the extension expires.

4. If a Notice of Appeal Resolution is not sent within the time frame in this Section, the appeal shall be considered denied on the date that the time frame expires.

60.406 Language and Format of the Notice of Action

1. The CRS Regional Contractor shall ensure that the Notice of Action is in writing and meets the following language and format requirements:
 - A. The Notice of Action shall be available in each non-English language spoken by a significant number or percentage of members or potential members in the contractor's geographic service area as established by contract.
 - B. The Notice of Action shall explain that free oral interpretation services are available to explain the Notice of Action for all non-English languages.
 - C. The format of the Notice of Action is easily understood and available in alternative formats, such as Braille, large font, or enhanced audio, and in appropriate manner that takes into consideration the special needs of a member.

60.407 Content of the Notice of Action

1. The CRS Regional Contractor shall ensure that the Notice of Action explains the following:
 - A. The action the CRS Regional Contractor has taken or intends to take;
 - B. The reasons for the action;
 - C. The member's right to file an appeal with the CRS Regional Contractor;
 - D. The procedures for exercising the rights specified in this Policy;
 - E. The circumstances under which an expedited resolution is available and how to request it; and
 - F. The circumstances under which a member has a right to have services continue pending resolution of the appeal, how to request that services be continued, and the circumstances under which the member is liable for the costs of services.

60.408 Notice of Action Time Frame for Prior Authorization Requests

1. For an authorization decision for a non-urgent service requested on behalf of a member, the CRS Regional Contractor shall mail a Notice of Action within 14 calendar days following the receipt of the request.
2. For an authorization request in which the provider indicates or the CRS Regional Contractor determines that following the 14 calendar day timeframe could seriously jeopardize the member's life or health or ability to attain, maintain, or regain maximum function, the CRS Regional Contractor shall make an expedited authorization decision and mail the Notice of Action as expeditiously as the member's health condition requires, but not later than three working days after receipt of the request for service.
3. If the member requests an extension of the time frame, the CRS Regional Contractor shall extend the time frame up to an additional 14 days as requested by the member.
4. If the CRS Regional Contractor needs additional information and the extension is in the best interest of the member, the CRS Regional Contractor shall extend the time frame up to an additional 14 days. If the CRS Regional Contractor extends the time frame, the CRS Regional Contractor shall:
 - A. Give the member written notice of the reason for the decision to extend the time frame and inform the member of the right to file an appeal if the member disagrees with the decision, and
 - B. Issue and carry out the determination as expeditiously as the member's health condition requires and no later than the date the extension expires.
5. For prior authorization decisions not reached within the maximum time frame, the CRS members may file an appeal with the CRS Regional Contractor.

60.409 **Notice of Action Time Frame for Service Termination, Suspension, or Reduction**

1. For termination, suspension, or reduction of previously authorized CRS covered service; the CRS Regional Contractor shall send the Notice of Action at least 10 days before the date of the action except as provided in section (2) below.
2. The CRS Regional Contractor may mail the Notice of Action no later than the date of action if:
 - A. The CRS Regional Contractor has factual information confirming the death of a member;
 - B. The CRS Regional Contractor receives a clear written statement signed by the member that the member no longer wishes services or the member gives information to the CRS Regional Contractor that requires termination or reduction of services and indicates that the member understands that this shall be the result of supplying that information;
 - C. The member is age 21;
 - D. The member is an inmate of a public institution that does not receive federal financial participation;
 - E. The member's whereabouts are unknown and the post office returns mail, directed to the member, to the CRS Regional Contractor indicating no forwarding address; or
 - F. The CRS Regional Contractor establishes the fact that the member has been accepted for Medicaid by another state.

60.410 **Notice to AHCCCS Health Plans/Program Contractors**

1. In cases where a Title XIX or Title XXI member is denied services or services are reduced, suspended, or terminated the CRS Regional Contractor will provide written notification to the appropriate AHCCCS Health Plan/Program Contractor's Medical Director.

- A. Notifications are to be made within 72 hours except in cases identified as urgent services, which need to be made within 24 hours.
2. Notifications must be in writing and include:
 - A. The action the CRS Regional Contractor has taken or intends to take;
 - B. The reasons for the action;
 - C. The AHCCCS Health Plan/Program Contractor Medical Director's right to file an appeal of the denial by filing a Request for Review in writing with the CRS Regional Contractor within 15 working days of the denial; and
 - D. The procedures for exercising the rights specified in this Policy.
3. The CRS Regional Contractor's Medical Director shall review the Request for Review and respond to the Medical Director of the AHCCCS Health Plan/Program Contractor within 10 working days from the receipt of the Request for Review.
4. Responses to the AHCCCS Health Plan/Program Contractor Medical Director's Request for Review must be in writing and include:
 - A. The CRS Regional Contractor Medical Director's decision;
 - B. The reasons for the decision;
 - C. The AHCCCS Health Plan/Program Contractor Medical Director's right to file a request for an Administrative Hearing through AHCCCS within 30 days of the decision; and
 - D. The procedures for exercising the rights specified in this Policy.

60.411

Special Requirements for the Appeal Process

1. A resolution of an appeal by the CRS Regional Contractor prior to a scheduled State Administrative Hearing is considered an informal resolution to the dispute under A.R.S. 36-2903.01(B) (4).
2. The CRS Regional Contractor shall provide a reasonable opportunity for a member to present evidence, and allegations of fact or law, in person and/or in writing. The CRS Regional Contractor shall inform the member of the limited time available for this in the case of an expedited resolution.

3. The CRS Regional Contractor shall provide the member and representative the opportunity, before and during the appeal process, to examine the member's case file, including medical records, documents, and records considered during the appeal process, not protected from disclosure by law.

60.412 **ADHS/CRS Process for an Expedited Resolution of an Appeal**

1. The CRS Regional Contractor shall establish and maintain a review process for an expedited appeal. The CRS Regional Contractor shall conduct an expedited appeal if:
 - A. The CRS Regional Contractor receives a request for an appeal from a member and the CRS Regional Contractor determines that taking the time for a standard resolution could seriously jeopardize the member's life or health, or ability to attain, maintain, or regain maximum function.
 - B. The CRS Regional Contractor receives a request for an expedited appeal from a member supported with documentation from the CRS provider that taking the time for a standard resolution could seriously jeopardize the member's life or health, or ability to attain, maintain, or regain maximum function; or
 - C. The CRS Regional Contractor receives a request for an expedited appeal directly from a provider, with the member's written consent, and the provider indicates that taking the time for a standard resolution could seriously jeopardize the member's life or health, or ability to attain, maintain, or regain maximum function.
2. The CRS Regional Contractor shall ensure that punitive action is not taken against a provider who requests an expedited resolution or who supports a member's appeal.

60.413 Time Frame for an Expedited Appeal Resolution

1. For expedited resolution of an appeal, the CRS Regional Contractor shall resolve the appeal and mail a written Notice of Appeal Resolution to the member within 3 working days after the day the CRS Regional Contractor receives the appeal. The CRS Regional Contractor shall make reasonable efforts to provide prompt oral notice.
2. If the member requests an extension of the 3 working day time frame, the CRS Regional Contractor shall extend the time frame up to an additional 14 days.
3. If the CRS Regional Contractor needs additional information and the extension is in the best interest of the CRS member, the CRS Regional Contractor shall extend the time frame up to an additional 14 days. If the CRS Regional Contractor extends the time frame, the CRS Regional Contractor shall:
 - A. Give the member written notice of the reason for the decision to extend the time frame; and
 - B. Issue and carry out the determination as expeditiously as the CRS member's health condition requires and no later than the date the extension expires.
4. For resolution decisions not reached within the time frame in this Policy, the appeal shall be considered denied on the date that the time frame expires.

60.414 Content of ADHS/CRS Notice of Appeal Resolution

1. The CRS Regional Contractor shall ensure that the written Notice of Appeal Resolution includes the results of the resolution process and the date it was completed.
2. For an appeal not resolved wholly in favor of the CRS member, the Notice of Appeal Resolution shall contain:
 - A. The right to request a State Administrative Hearing;
 - B. The factual and legal basis for the decision;

- C. The right to request to receive services, if applicable, while the State Administrative Hearing is pending, and how to make the request; and
- D. That the member shall be liable for the cost, if applicable, of continued services if the State Administrative Hearing upholds the CRS Regional Contractor decision.

60.415 Member Request for a State Administrative Hearing

- 1. A member may request a State Administrative Hearing on the CRS Regional Contractor resolution of an appeal. The request shall be in writing, submitted to and received by the CRS Regional Contractor, no later than 30 days after the date of the Notice of Appeal Resolution.
- 2. If a member wants services to be continued pending a State Administrative Hearing, the request to continue services shall be in writing and comply with this policy.
- 3. The CRS Regional Contractor shall mail a Notice of Fair Hearing under A.R.S. § 41-1092.05 if a timely request for a State Administrative Hearing is received.

60.416 Time Frame for Resolution of a State Administrative Hearing

- 1. AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall mail a decision to the member no later than 30 days after the date of the Administrative Law Judge's recommended decision and within 90 days after the date that the member filed the appeal with the CRS Regional Contractor, not including the number of days the member took to file for a State Administrative Hearing, and days for continuances granted at the member's request.

60.417 Member's Request for an Expedited State Administrative Hearing

1. A member may request an expedited State Administrative Hearing on the CRS Regional Contractor resolution of an expedited appeal. The request shall be in writing, submitted to and received by the CRS Regional Contractor no later than 30 days after the date of the CRS Regional Contractor Notice of Appeal Resolution.

60.418 Time Frame for Resolution of an Expedited State Administrative Hearing

1. Within 3 working days after the date AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) receives the case file and information from the CRS Regional Contractor concerning an expedited appeal resolution, AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall mail to the member the decision, which results from the State Administrative Hearing. AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall make reasonable efforts to provide oral notice of the decision.

60.419 Denial of a Request for a State Administrative Hearing

1. AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall deny a request for a State Administrative Hearing under A.R.S. § 41-1092, et seq., upon written determination that:
 - A. The request for hearing is untimely;
 - B. The request for hearing is not for an action permitted under this policy;
 - C. The request for hearing is moot, as determined by the AHCCCS or ADHS/CRS, based on the factual circumstances of each case; or
 - D. The sole issue presented is a federal or state law requiring an automatic change adversely affecting some or all enrollees.

60.420 Withdrawal of a Request for a State Administrative Hearing

1. AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall accept a written request for withdrawal from the member if a Notice of Hearing had not been mailed.
2. If AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) has mailed a Notice of Hearing, AHCCCS or ADHS/CRS shall forward the written request for withdrawal to the Office of Administrative Hearings (OAH).

60.421 Motion for Rehearing or Review

1. Under A.R.S. § 41-1092-09, the Director of AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall grant a rehearing or review for any of the following reasons materially affecting a member's rights:
 - A. Irregularity in the proceedings of a hearing that deprived a member of a fair hearing;
 - B. Misconduct of the CRS Regional Contractor, ADHS, AHCCCS, OAH, or a party;
 - C. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 - D. The decision is the result of passion or prejudice;
 - E. The decision is not justified by the evidence or is contrary to law, or
 - F. Good cause is established for the nonappearance of the member at the State Administrative Hearing.

60.422 Continuation of Services While the CRS Regional Contractor Appeal and the State Administrative Hearing are Pending

1. For the purposes of this Section, timely filing means filing on or before the later of the following:
 - A. Within 10 days after the date that the CRS Regional Contractor mails the Notice of Action, or

- B. The effective date of the action as indicated in the Notice of Action.
- 2. The CRS Regional Contractor shall continue the member's services if:
 - A. The member files the appeal timely;
 - B. The appeal involves the termination, suspension, or reduction of a previously authorized course of treatment;
 - C. The services were ordered by an authorized CRS provider;
 - D. The original period covered by the original authorization has not expired; and
 - E. The member requests continuation of services.
- 3. If, at the member's request, the CRS Regional Contractor continues or reinstates the member's services while the appeal is pending, the CRS Regional Contractor shall continue services until one of the following occurs:
 - A. The member withdraws the appeal;
 - B. Ten (10) days pass after the CRS Regional Contractor mails the Notice of Appeal Resolution to the member, unless the member, within the 10-day time frame, has requested in writing a State Administrative Hearing with continuation of benefits until the CRS Regional Contractor decision is reached;
 - C. AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) mails a decision adverse to the member; or
 - D. The time-period or service limits of a previously authorized service have been met.
- 4. If AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) upholds their action, the CRS Regional Contractor may recover the cost of the services furnished to the member while the appeal is pending if the services were furnished solely because of the requirements of this policy.

60.423 **Reversed Appeal Resolutions**

1. If AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) reverses a decision to deny, limit, or delay services that were not furnished while the appeal was pending, the CRS Regional Contractor shall provide the disputed services promptly, and as expeditiously as the member's health condition requires.
2. If AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) reverses a decision to deny authorization of services, and the member received the disputed services while the appeal was pending, the CRS Regional Contractor shall pay the provider for those services.

60.500 **Claim Dispute**

60.501 **Time Frame for Filing Claim Dispute**

1. Claim disputes must be filed in writing with the CRS Regional Contractor no later than 12 months from the date of service, 12 months after the date or eligibility posting or within 60 days after the date of a timely claim submission, whichever is later.

60.502 **Content of Claim Dispute**

1. A claim dispute shall specify in detail the factual and legal basis for the claim dispute and the relief requested.

60.503 **Filing a Claim Dispute**

1. For a claim for CRS services rendered to a member, the provider shall file a written claim dispute with the CRS Regional Contractor under the timelines in this policy.
2. The CRS Regional Contractor shall mail a written Notice of Decision of the claim dispute to the provider no later than 30 calendar days after the provider files the claim dispute with the CRS Regional Contractor, unless the provider and the CRS Regional Contractor agree to a longer period.

3. The CRS Regional Contractor's written Notice of Decision shall include:
 - A. The date of the decision,
 - B. The factual and legal basis for the decision,
 - C. The provider's right to request a State Administrative Hearing under A.R.S. § 41-1092, et seq., and
 - D. The manner in which a request for a State Administrative Hearing is filed under A.R.S. § 41-1092, et seq.
4. A provider may request a State Administrative Hearing on the CRS Regional Contractor Notice of Decision if:
 - A. The provider files a written request for a State Administrative Hearing with the CRS Regional Contractor no later than 30 days after the date of the written Notice of Decision, or
 - B. The CRS Regional Contractor does not render a written Notice of Decision within 30 days after the claim dispute is filed and the provider files a written request for a State Administrative Hearing within 30 days after the date that the Notice of Decision should have been mailed.
5. AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall mail a Notice of Hearing under A.R.S. § 41-1092.05 to the parties if the CRS Regional Contractor receives a timely request for hearing from the provider.
6. AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall mail a decision to the provider no later than 30 days after the date the Administrative Law Judge sends the OAH decision to AHCCCS or ADHS.
7. AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall accept a written request for withdrawal if the written request for withdrawal is received from the provider before AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) mails a Notice of Hearing under A.R.S. § 41-1092, et seq. If AHCCCS (Title XIX and Title

XXI members) or ADHS (non-AHCCCS members) mailed a Notice of Hearing under A.R.S. § 41-1092, et seq., a provider shall send a written request for withdrawal to OAH.

60.504 Denial of a Request for a State Administrative Hearing

1. AHCCCS or ADHS/CRS shall deny a request for hearing under A.R.S. § 41-1092, et seq., upon written determination that:
 - A. The request for hearing is untimely;
 - B. The request for hearing is not for an action permitted;
 - C. The provider or the CRS Regional Contractor waives the right to a hearing; or
 - D. The request for hearing is moot, as determined by ADHS/CRS or AHCCCS, based on the factual circumstances of the case.

60.505 Withdrawal of a Request for a State Administrative Hearing

1. AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall accept a written request for withdrawal from the provider if AHCCCS or ADHS/CRS has not mailed a Notice of Hearing.
2. If AHCCCS (Title XIX and Title XXI members) or ADHS/CRS (non-AHCCCS members) has mailed a Notice of Hearing, AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall forward the written request for withdrawal to the Office of Administrative Hearings (OAH).

60.506 Motion for Rehearing or Review

1. Under A.R.S. § 41-1092.09, AHCCCS (Title XIX and Title XXI members) or ADHS (non-AHCCCS members) shall grant a rehearing or review for any of the following reasons materially affecting a provider's rights:
 - A. Irregularity in the proceedings of a hearing that deprived a provider of a fair hearing;
 - B. Misconduct of the CRS Regional Contractor, AHCCCS, OAH, or a party;

- C. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
- D. The decision is the result of passion or prejudice;
- E. The decision is not justified by the evidence or is contrary to law; or
- F. Good cause is established for the nonappearance of a party at the hearing.